

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**JOHN TUCKER, ANGELA MILLER,)
JOVAN HANEY, LEON BRADLEY, ARIEN)
JACKSON, WILLIAM STRICKLAND,)
OSCAR GREEN, MIKE JACKSON, KEVIN)
RIDDLE, AVERY ANDERSON, MALICA)
PAGE, TRACI DANSBERRY, CHRIS)
DARGIN, and CARLOS ZIMMERMAN,)
)
Plaintiffs,)
)
vs.) CIVIL NO. 05-440-GPM
)
WALGREEN COMPANY,)
)
Defendant.)
)**

MEMORANDUM AND ORDER

MURPHY, Chief District Judge:

This putative class action is before the Court on Defendant's objections to and appeal of the Order issued on November 22, 2005, by United States Magistrate Judge Clifford J. Proud granting in part and denying in part Plaintiffs' motion to compel responses to their first request for production of documents. The Court has carefully reviewed all of the relevant documents and finds that a hearing is not necessary; therefore, Defendant's motion for a hearing (Doc. 42) is **DENIED**.

Magistrate Judge Proud looked at the issues presented and understood the difference between what is discoverable and what is admissible. *See* FED. R. CIV. P. 26(b)(1). This distinction disposes of all of the arguments raised in Defendant's objections. Nothing in Magistrate Judge Proud's Order is clearly erroneous or contrary to law. *See* FED. R. CIV. P. 72(a); SDIL-LR 73.1(a). Accordingly,

Magistrate Judge Proud's November 22, 2005, Order is **AFFIRMED**. Defendant shall not further delay discovery.

IT IS SO ORDERED.

DATED: 12/19/05

s/ G. Patrick Murphy
G. PATRICK MURPHY
Chief United States District Judge